

U.S. Application No. 10/057,816, filed January 24, 2002

Attorney Docket No. 14419US01

Amendment dated March 20, 2008

Accompanying Request for Continued Examination (RCE) filed March 20, 2008

## **REMARKS**

Claims 26-34 and 72-150 are pending. Claims 26-31 are allowed. Claims 32-34 and 72-150 are rejected.

### **Specification**

The Examiner objected to the disclosure because new matter was allegedly added. Although Applicant does not necessarily agree with the Examiner, Applicant has amended the first paragraph in the "Cross-Reference to Related Application" section of the specification. The amendment states that the present application is a continuation-in-part of Application No. 09/934,457 and that the present application is a continuation-in-part of Application No. 09/799,340. Accordingly, the issue as to whether new matter was allegedly added or not is moot since allegedly new matter may be added in a continuation-in-part application.

It is respectfully requested that the objection with respect to the specification be withdrawn.

### **Allowed Claims 26-31**

Applicant gratefully acknowledges the indication by the Examiner that claims 26-31 have been allowed.

### **Claims That Were Merely Objected To: Placing Claims in Condition for Allowance**

Applicant gratefully acknowledges the indication by the Examiner that claims 77, 90, 102, 114, 127 and 141 contain patentable subject matter.

Independent claim 75 has been amended to include, for example, patentable subject matter recited in formerly dependent claim 77. Claim 77 has been cancelled without prejudice. It is believed that claim 75 and its dependent claims (i.e., claims 76, 78-87 and 151) are in condition for allowance.

U.S. Application No. 10/057,816, filed January 24, 2002

Attorney Docket No. 14419US01

Amendment dated March 20, 2008

Accompanying Request for Continued Examination (RCE) filed March 20, 2008

Independent claim 88 has been amended to include, for example, patentable subject matter recited in formerly dependent claim 90. Claim 90 has been cancelled without prejudice. In addition, although Applicant believes that evidence has been provided and arguments have been made to support “machine readable storage, having stored thereon a computer program having a plurality of code section” and although Applicant believes that the prosecution history supports “machine readable storage, having stored thereon a computer program having a plurality of code section”, Applicant has amended claim 88 to reflect a method claim to expedite prosecution. It is believed that claim 88 and its dependent claims (i.e., claims 89, 91-98 and 152) are in condition for allowance.

Independent claim 99 has been amended to include, for example, patentable subject matter recited in formerly dependent claim 102. Claim 102 has been cancelled without prejudice. It is believed that claim 99 and its dependent claims (i.e., claims 100, 101, 103-111 and 153) are in condition for allowance.

Independent claim 112 has been amended to include, for example, patentable subject matter recited in formerly dependent claim 114. Claims 113 and 114 have been cancelled without prejudice. It is believed that claim 112 and its dependent claims (i.e., claims 115-124 and 154) are in condition for allowance.

Independent claim 125 has been amended to include, for example, patentable subject matter recited in formerly dependent claim 127. Claim 127 has been cancelled without prejudice. It is believed that claim 125 and its dependent claims (i.e., claims 126, 128-137 and 155) are in condition for allowance.

Independent claim 138 has been amended to include, for example, patentable subject matter recited in formerly dependent claim 141. Claim 141 has been cancelled without prejudice. It is believed that claim 138 and its dependent claims (i.e., claims 138-140, 142-150

U.S. Application No. 10/057,816, filed January 24, 2002

Attorney Docket No. 14419US01

Amendment dated March 20, 2008

Accompanying Request for Continued Examination (RCE) filed March 20, 2008

and 156) are in condition for allowance.

Although Applicant believes the rebuttal evidence presented and the arguments made and the prosecution history support the patentability of independent claims 75, 88, 99, 112, 125 and 138, Applicant has amended claims 75, 88, 99, 112, 125 and 138 to expedite prosecution and to place the application in condition for allowance.

Applicant respectfully reserves the right to pursue, without prejudice, the subject matter recited in any of the cancelled and/or amended claims in a continuing application or in a related application.

#### **Cancelling Claims to Place Application in Condition for Allowance**

Although Applicant believes the rebuttal evidence presented and the arguments made and the prosecution history support the patentability of independent claims 32 and 34, Applicant has cancelled, without prejudice, claims 32-34 and 72-74 to expedite prosecution and to place the application in condition for allowance.

Applicant respectfully reserves the right to pursue, without prejudice, the subject matter recited in any of the cancelled and/or amended claims in a continuing application or in a related application.

It is believed that the application is condition for allowance.

#### **Conclusion**

Applicant does not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicant respectfully reserves the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

U.S. Application No. 10/057,816, filed January 24, 2002

Attorney Docket No. 14419US01

Amendment dated March 20, 2008

Accompanying Request for Continued Examination (RCE) filed March 20, 2008

Applicant respectfully reserves the right to pursue, without prejudice, the subject matter recited in any of the cancelled and/or amended claims in a continuing application or in a related application.

With respect to the present application, Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: March 20, 2008

Respectfully submitted,

/Michael T. Cruz/

Michael T. Cruz

Reg. No. 44,636

McANDREWS, HELD & MALLOY, LTD.

500 West Madison Street, Suite 3400

Chicago, Illinois 60661

Telephone: (312) 775-8000

Facsimile: (312) 775-8100